

REMARKS

Claims 1, 14 and 53 are amended. New claims 63-69 are added. Claims 1-18 and 53-69 are pending in the application.

Claims 55-62 are allowed.

Dependent claim 53 is objected to as being dependent upon rejected base claim 1. Claim 53 is rewritten as independent claim 69 (before the present amendments to claim 1), and therefore, claim 69 is allowable.

Claims 1-18 and 54 stand rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting alleged essential steps wherein the Examiner lists the alleged essential steps as: forming a capacitor dielectric and electrode layer (pg. 2 of paper no. 040204) (emphasis by Examiner). The preamble of independent claims 1 and 14 are amended to recite "a method of at least partially forming a capacitor." As amended, no reasonable argument can be stated that claims 1-18 and 54 are incomplete for omitting forming a capacitor dielectric and electrode layer. The rejection is overcome and Applicant respectfully requests withdrawal of the §112, second paragraph rejection against claims 1-18 and 54 in the next office action.

No other rejections are presented against claims 5-6, 9-10, 12-18 and 54, and therefore, such claims are allowable.

New claims 63-68 are rewritten dependent claims 5-6, 9-10, and 12-13, respectively, which depended from independent claim 1 (such rewritten claims do not include the amendment to claim 1 discussed in the next paragraph). Consequently, since claims 5-6,

9-10 and 12-13 are allowable claims, new claims 63-68 are allowable.


Claims 1-4, 7, 8 and 11 stand rejected under 35 U.S.C. §102(e) as being anticipated by DeBoer (6,326,277). Independent claim 1 is amended to recite **prior to forming a capacitor dielectric layer, forming a cap** by capping at least a portion of the rim within the interior volume by forming a material which is different from the capacitor storage node layer over the rim portion. Such amendment is supported by the originally-filed application at, for example, Fig. 8 and page 11. The Examiner relies on a capacitor dielectric layer 150 of structure 100 of DeBoer **to allegedly teach the cap** recited in claim 1 (pg. 3 of paper no. 040404). That is, the Examiner relies on teachings of DeBoer stating a cap and the capacitor dielectric layer are one and the same. Accordingly, it is inconceivable that this disclosure teaches **prior to forming a capacitor dielectric layer, forming a cap** by capping at least a portion of the rim as positively recited in claim 1. Therefore, claim 1 is allowable.

Claims 2-13 and 53 depend from independent claim 1, and therefore, are allowable for the reasons discussed above with respect to the independent claim, as well as for their own recited features which are not shown or taught by the art of record.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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By: 
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